

# **CITY COUNCIL PROCEEDINGS**

## **Special Meeting**

**Tuesday, May 25, 2010**

1. **CALL TO ORDER AND ROLL CALL**

Deputy Mayor Wilson called the Special May 25, 2010 City Council meeting to order at 6:15 P.M. in the Council Chambers.

Those present were: Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

Mayor Osborne was absent.

2. **PUBLIC HEARING**

**A. CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE 2010 MAJOR UPDATE OF THE BOULDER VALLEY COMPREHENSIVE PLAN (BVCP):-- 6:02 P.M.**

Susan Richstone and Chris Meschuk presented the item.

Matt Appelbaum requested that when this item returned to Council that staff include the implications for the zoning changes (e.g. how will the character change and what can be built that could not be built before.)

**Requestors Comments**

1. Chris Hansen spoke in support of further study of Request #1 - 2800 Block of Mapleton.
2. Daniel Ong spoke in support of further study of Request #4 - East Ridge Neighborhood.
3. Bruce Dierking spoke in support of further study of Request #5 - Armory Property.
4. Kit Basom spoke in support of further study of Request #7 - Orchard Grove (pooling time).
5. Alan Villavicencio spoke in support of further study of Request #17 - Multi-Sport Training Complex.
6. Nolan Rosall spoke in support of further study of Request #18.
7. Quint Redman spoke in support of further study of Request #18.

**General Comments**

1. Ruth Blackmore, on behalf of PLAN Boulder County, spoke in support of the sustainability policies (suggesting that a Climate Action Plan be integrated with the policies) and the urban forum and community design. She stated that PLAN Boulder County did not support changes to the Planning Reserve at this time. On a personal note, she spoke in support of the change in land use designation for the Goss/Grove neighborhood (Request #9) from high density residential to mixed density residential for the RMX-1 zone. She also asked how a recent Planning

Board decision on the Table Mesa Armory Reserve site ties into the Comp Plan update.

### **Comments on Specific Request #'s**

1. Mick Shopritz, Request #2 - 2475 Topaz, spoke in support of the annexation, but in opposition to subdividing the lot. He also stated that the subdivision is not in compliance with the North Boulder Subcommunity Plan.
2. Howard Bittman, Request #2 - 2475 Topaz, spoke in opposition to subdividing the lot and of further study of Request #2. He added that the proposal is inconsistent with the North Boulder Subcommunity Plan.
3. Peter Mazula, Request #2 - 2475 Topaz, spoke in opposition to subdividing the lot and did not support further study of Request #2. He also stated that the proposal is inconsistent with the North Boulder Subcommunity Plan.
4. Kathy Snow, Request #2 - 2475 Topaz, spoke in opposition to further study of Request #2.
5. James Snow, Request #2 - 2475 Topaz, spoke in opposition to further study of Request #2. He also expressed concern over the notification process of this meeting.
6. Don Koplen, Request #4 - East Ridge Subdivision, (pooling time), spoke in support of further study of Request #4. He said there is significant neighborhood support in favor of the proposed change.
7. Mary Hey, Request #9 - Goss/Grove Neighborhood, spoke in support of further study of Request #9.
8. Jerrie Hurd, Request #9 - Goss/Grove Neighborhood, spoke in support of further study of Request #9.
9. Dave Williams, Request #15 - Hogan Pancost, on behalf of the owner, spoke in opposition to the proposed change from Area IIA to Area III and in opposition to further study of this request.
10. Barry Siff, Request #17 - Multi-Sport Training Complex (pooling time), spoke in support of further study of Request #17. He said there is an unmet need in our community for such a complex. He added that the complex is a positive environmental, economic, and social opportunity for the City of Boulder.
11. Mary Roosevelt, Request #18 - Agriburbia, spoke in support of further study of Request #18.
12. Sam Alschuler, Request #23 - Orchard Grove, spoke in support of further study of Request #23.
13. Jan McRoberts, Request #4 - East Ridge Subdivision, spoke in support of further study of Request #4.

There being no further speakers the public hearing was closed.

### **Council Deliberation**

#### **1. Areas of Focus and Work Program**

#### **Motion**

Council Member Cowles moved, seconded by Council Member Morzel, to direct staff to move forward with A) the following two broad areas of focus: Sustainability Policy Changes, Urban Form/Community Design; B) the following three main work plan

components as outlined in the process chart: Sustainability Policy Changes, Land Use & Area I, II, III Map Changes, Urban Form/Community Design; and C) the continuation of the BVCP Process Subcommittee to provide input on the public process through the remaining phases of the update. The motion carried 8-0. Mayor Osborne was absent.

Council Member Cowles said the approach outlined for the Major Update to the 2010 BVCP made sense.

## **2. Public Requests**

Council Members discussed potential conflicts of interests. No recusals were made.

Council Members discussed the following requests:

*Request #2 – 2405 Topaz Drive*

Council Member Cowles moved, seconded by Council Member Morzel, to direct staff not to include Parcel 2 in the list of requests to be studied further for the Comprehensive Plan update.8:40 pm

Acting City Attorney David Gehr said what he heard from the testimony was that the speakers preferred the North Boulder Subcommunity Plan rather than what's in the Comprehensive Plan. He clarified that the Comprehensive Plan was a more permissive land use designation and was regulatory with respect to initial zoning/annexations. He thought that the speakers were requesting that the Comprehensive Plan be consistent with the North Boulder Subcommunity Plan.

Council Member Morzel stated it was very expensive to do single annexations. She discouraged single annexations in Githens Acres and encouraged staff to work towards a comprehensive annexation agreement with the neighbors.

Council Member Ageton suggested focusing on resolving the land use mapping discrepancy, and not adopting Low Density Residential.

Council Member Cowles offered an substitute motion to direct staff to analyze the land use mapping discrepancy between the Boulder Valley Comprehensive Plan mapping and the North Boulder Subcommunity Plan mapping.

Susan Richstone instead suggested including this parcel for further study in the motion with the other parcels.

Council Member Cowles withdrew his motion.

*Request # 4 - East Ridge Subdivision*

Council Member Gray was concerned that if the designation was changed from low to medium density it would allow additional units. She said if additional units were allowed, there might be some desired outcomes such as affordable units, certain building types, etc. She was concerned about how this request was proposed. As an alternative, she suggested that Council add it to the work program.

Council Member Appelbaum agreed with Council Member Gray and did not recommend that this request be included on the list for further study. He would like to discuss the three to four unrelated occupancy rule and questioned whether there are places to change from low density residential to medium density residential with an eye towards building duplexes and triplexes.

Council Member Morzel wanted to see this request move forward. She said the area was occupied by students and there was little impact affecting the surrounding neighborhoods. She was interested in taking some of the student housing off the Hill and providing additional student housing east of 28<sup>th</sup> Street.

Council Member Becker said the neighborhood was completely surrounded by higher density. She said she generally favored finding new opportunities for single-family homes, but said this area does not make sense for single-family. She wanted to see this request move forward.

Council Member Karakehian agreed that this area needed attention. He said this area was a logical place to densify. He also wanted to see this request move forward.

Council Member Cowles indicated support for the request to move forward to higher density.

Council Member Appelbaum agreed that it should probably go to higher density. However, he expressed concerns over changing the occupancy from three to four unrelated occupants block by block, stating that it could be a big mistake. He wanted to ensure that the proper policies were in place before moving forward.

Council Member Ageton agreed with Council Members Gray and Appelbaum. She was concerned about setting a precedent and said the process could be long and messy. She favored adding this item to the Council Work Plan for next year.

Council Member Becker was not interested in looking anew at the three to four unrelated occupancy rule, but would support adding the item to the Council Work Plan to specifically look at the policies and potential upzoning.

Council Member Wilson said the area was appropriate for student housing and supported adding this item to the Council Work Plan.

Council Member Morzel moved, seconded by Council Member Karakehian, to keep Parcel #4 on the list for further study. The motion failed, 3 : 5 Gray, Cowles Appelbaum, Becker, Ageton opposed, Mayor Osborne absent. 9:18 pm

Council requested that this item be added to the Council Work Plan.

*Request # 5 – 4057 Broadway (Armory Property)*

Council Member Cowles did not support using staff resources to future study this request. He was concerned about attenuating the commercial space.

Council Member Cowles moved, seconded by Council Member Morzel, to direct staff not to include Parcel 5 in the list of requests to be studied further for the Comprehensive Plan update.

Council Member Morzel said the proposal would elongate the retail and make it more of a strip mall and less of a part of the North Boulder Village. She noted that the North Boulder Subcommunity Plan residential and office designations for this property was appropriate. If Council voted to move forward with this request, she would highly recommend strong citizen involvement.

Council Member Appelbaum questioned if this request was worth the staff time and said was it likely that the proposed change would result in something much better than what was currently allowed.

Council decided to vote on this item after discussion of the other requests.

*Request #9 – Goss/Grove*



Council Member Gray asked if this was kept on the Work Plan with a land use designation change from High Density Residential to Mixed Density, could Council consider, as part of zoning discussion, going from RH2 (in parts) to RMX1. She would support changing the land use designation and having the zoning discussion later.

*Request #15 – Hogan Pancost*

Council Member Cowles said this property should be taken out of Area II and moved to Area III due to serious problems with the floodplain and groundwater. He said the neighbors in the area report pumping a significant amount of water out of their basements in the spring and summer.

Council Member Cowles moved, seconded by Council Member Gray, to direct staff to include Parcel 15 in the list of requests to be studied further for the Comprehensive Plan update and moving the designation from Area II to Area III.

Council Member Ageton said that Council Member Cowles points about the environmental issues may be correct. However, she said property owners were moving forward with an environmental assessment that would go to the Planning Board for consideration. She said from a procedural perspective, it did not make sense to spend staff resources on this request.

Council Member Wilson noted that in a recent conversation with the Planning Board Chair, Willa Johnson, several Planning Board members expressed concerns over the process component of this request.

Council Member Appelbaum concurred with Council Member Ageton. He added that the annexation process should run its course.

Council Member Karakehian concurred and would not be in favor of moving the designation from Area II to Area III.

Vote was taken on the motion to direct staff to include Parcel 15 in the list of requests to be studied further for the Comprehensive Plan update and moving the designation from Area II to Area III. The motion failed, 3:5, with Cowles, Gray and Karakehien in favor and Mayor Osborne was absent. 9:45 pm

Council Member Becker added that it would be important to see the environmental analysis.

*Request #17 - Multi-Sport Training Complex*

*Request #18 - Agriburbia*

Council Member Cowles asked that Requests #17 and #18 be further explored.

Council Member Becker liked both of the proposals. She said the city's pools were overcrowded and park use was limited. She said there was no greater need by the city than for affordable workforce housing and that's what Agriburbia was all about. She stated that she loved the concept of integrating housing with urban agriculture. She said the proposal is innovative, exciting and a real opportunity for the city. She said both requests met an important need within the existing service area and added that these proposals had real community benefit.

Council Member Appelbaum said Council needed to be clear regarding what it was asking for as further study, stating that a full analysis was no small feat. He said the idea of a Sports Facility was interesting, but would split the Planning Reserve Area in half. He added that splitting the Planning Reserve Area had big implications for future development and was troubling. He was not interested in further study of Request #18.

Council Member Karakehian did not know how long the city should hold this land aside for new ideas. If the city decided not to move forward on proposals like this, he said the city should then consider purchasing the property. He was very excited about both proposals and would support further study of these requests. He added that the ideas are exciting and fit within Boulder's lifestyle. In particular, he said Request #18 was a really exciting project.

Council Member Cowles agreed that the urban agriculture and workforce housing concept is a neat idea.

Council Member Ageton shared many of the sentiments expressed. She too was concerned about splitting the Planning Reserve Area. However, she was very interested in exploring the idea of Request #17. She said it was time to have a larger conversation about this area and what the community wants. If the community decides to keep the area as Open Space or Agricultural, then the city should state that and not continue to invite applicants to submit proposals that would not be approved. She suggested that staff provide a scope of work to Council before a full analysis or exploration of community need is completed.

Council Member Wilson said the projects were interesting and he would like to see Requests #17 and 18 further explored.

Council Member Gray said while the projects were interesting, the process outlined in the Comprehensive Plan made it difficult to have a conversation about whether these projects belong in the Planning Reserve.

Council Member Cowles moved, seconded by Council Member Morzel, to direct staff to include Parcels 17 and 18 in the list of requests to be studied further for the Comprehensive Plan update.

Council Member Gray offered an amendment for staff to come back with a Work Program relating to these two sites. The amendment failed for lack of a second.

Council Member Ageton said she would like to see more information on transportation, alternative sites, combining some of the pieces and the business plans.

Council Member Appelbaum, added that he would like to see information on the implications of Request #17 splitting the Planning Reserve. He would like to understand the business plan for Request #18, specifically how much affordable housing would there be above and beyond what the city would expect and what was the community benefit.

Staff agreed to gather and come back with additional information that council members identified regarding #17 and #18, and the planning reserve in general, and to lay out some options related to the planning reserve process and properties.

Vote was taken on the motion to direct staff to include Parcels 17 and 18 in the list of requests to be studied further for the Comprehensive Plan update. The motion carried, 7:0. Council Member Morzel and Mayor Osborne absent. 10:27 pm.

*Council returned to the discussion of Request #5*

Council Member Cowles moved, seconded by Council Member Gray, to direct staff not to include Parcel #5 in the list of requests to be studied further for the Comprehensive Plan update. The motion carried 7 -1 Karakehian opposed , Mayor Osborne was absent 10:33 pm.

*Other Requests*

Council Member Wilson moved, seconded by Council Member Karakehian, to direct staff to include Parcels #1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20-27 in the list of requests to be studied further for the Comprehensive Plan update. The motion carried, 8:0, Mayor Osborne was absent. 10:34 pm.

Council Member Ageton moved, seconded by Council Member Gray, to continue the meeting. The motion carried, 4:3, Becker, Morzel and Karakehian opposed Mayor Osborne was absent. 10:35 pm

**B. DIRECTION ON THE POTENTIAL CHANGES TO THE RH-2 ZONE DISTRICT, INCLUDING:**

**1) POTENTIAL CHANGES TO THE RH-2 ZONE DISTRICT REGULATIONS, INCLUDING PARKING REQUIREMENTS, CALCULATION OF DENSITY AND FLOOR AREA; AND**

**2) POTENTIAL BOULDER VALLEY COMPREHENSIVE PLAN LAND USE DESIGNATION AND ZONING CHANGES IN SPECIFIC AREAS CURRENTLY ZONED RH-2.**

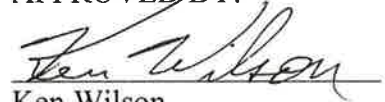
Council continued this item to a later date.



3. **ADJOURNMENT**

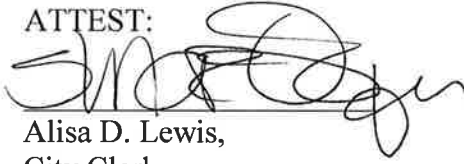
There being no further business to come before Council at this time, BY MOTION  
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 10:44 P.M.

APPROVED BY:



Ken Wilson  
Acting Mayor

ATTEST:



Alisa D. Lewis,  
City Clerk